

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN E. ANDRUS MEMORIAL, INC. (d/b/a ANDRUS ON HUDSON),	:	filed electronically
Plaintiff	:	07-CV-3432 (CLB) (KNF)
-against-	:	
RICHARD F. DAINES, as Commissioner of the New York State Department of Health,	:	
Defendant.	:	

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**NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

RICHARD F. DAINES, as Commissioner of the  
New York State Department of Health,

Defendant.

**PLEASE TAKE NOTICE** that, upon the complaint, dated April 30, 2007, the Affidavit of Neil Benjamin dated July 11, 2007, the Affidavit of David R. Sandman, PhD dated July 10, 2007, the Affidavit of John P. Gasior dated July 13, 2007, the accompanying Memorandum of Law, and all other pleadings and proceedings herein, defendant shall move this Court before the Honorable Charles L. Brieant, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on a date to be determined by the Court, for an order and judgment dismissing this action pursuant to Federal Rule of Civil Procedure Rule 56 (b), and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's May 25, 2007 Order, any opposing affidavits and memoranda shall be served by August 3, 2007 and reply affidavits and memoranda shall be served by August 10, 2007.

Dated: New York, New York  
July 13, 2007

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State of New York  
Attorney for Defendant

  
By: \_\_\_\_\_

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(KNF)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	JOHN E. ANDRUS MEMORIAL, INC. (d/b/a ANDRUS ON HUDSON), <i>Plaintiff,</i>  <i>-against-</i>  RICHARD F. DAINES, as Commissioner of the New York State Department of Health,  <i>Defendants.</i>	NOTICE OF MOTION FOR SUMMARY JUDGMENT	ANDREW M. CUOMO Attorney General of the State of New York ATTORNEY FOR DEFENDANT Office and Post Office Address  120 Broadway, 24th Floor New York, New York 10271 (212)-416-8570 <i>Personal service of a copy of the within is admitted this ____ day of ____ 2007.</i>
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